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Attorneys for Movant,
Carvana, LLC, its successors and/or assignees

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

IN RE:	§ CASE NO.: 20-42124
	§
Tony Morgan,	§ CHAPTER 7
	§
DEBTOR,	§
	§
Carvana, LLC, its successors and/or assignees,	§
	§
MOVANT,	§
	§
Tony Morgan, and Michelle Chow, Trustee,	§
	§
RESPONDENTS.	§
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PLEASE BE ADVISED THAT IT IS THE INTENTION OF MOVANT TO OFFER INTO EVIDENCE AT ANY HEARING ON THE MOTION FILED CONCURRENTLY WITH THIS AFFIDAVIT THIS AFFIDAVIT AND PAYMENT HISTORY PURSUANT TO THE FEDERAL RULES OF EVIDENCE, RULE 902(11). THIS AFFIDVIT AND PAYMENT HISTORY ARE BEING PROVIDED TO YOU IN ADVANCE AS AN ADVERSE PARTY IN ORER TO ALLOW YOU A FAIR OPPORTUNITY TO CHALLENGE SAID RECORDS. YOU ARE HEREBY PLACED ON NTOICE OF THIS INTENTION AS REQUIRED BY THE FEDERAL RULES OF EVIDENCE, RULE 902(11).

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
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IN RE:

Tony Morgan,

DEBTOR,

§ CASE NO.: 20-42124

§

§ CHAPTER 7

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**AFFIDAVIT IN SUPPORT OF
MOTION FOR RELIEF FROM AUTOMATIC STAY**

I Jennifer Cruise, being duly sworn, depose and say:

1. I am employed as a Senior Manager with Carvana, LLC ("Movant") and am authorized to sign this affidavit on behalf of Movant.

2. I am familiar with the manner and procedure by which the records of Movant are obtained, prepared, and maintained. Those records are obtained, prepared, and maintained by employees or agents of Movant in the performance of their regular business duties at or near the time, act, conditions, or events recorded thereon. The records are made either by persons with knowledge of the matters they record or from information obtained by person with such knowledge. It is my business practice to maintain these records in the regular course of business.

3. Movant has been responsible for the handling of all matters relative to the underlying Contract prior to the filing of the within motion, including but not limited to processing of all payments received, crediting of received payments, adding all proper charges to the Contract, confirming the maintenance of insurance, communicating with and responding to the borrower on all matters relative to the Contract.

4. I have personally reviewed Movant's records as they related to the Subject Contract obligation referred to herein, and as to the following facts, I know them to be true of own knowledge or I have gained knowledge of them from my review of Movant's business

records. If called upon to testify, I could and would competently testify to the following under oath.

5. The borrower, **Tony Morgan** (“**Borrower**”) executed a Contract in favor of Movant in the original principal amount of \$11,322.00 (“Contract”). Movant is an entity entitled to enforce the Contract. A true and correct copy of the Contract is attached as **Exhibit “1”** and is incorporated herein by reference for all purposes.

6. All obligations (collectively, the “Obligations”) of the Debtor under the Contract are secured by a 2013 FORD FOCUS VIN #1FADP3R49DL335241_ (“Vehicle”) as evidenced by a Vehicle Certified of Title (“Title”) naming Movant as the legal owner thereof. A copy of the Title is attached hereto as **Exhibit “2”**

7. Subsequent to the execution of the Contract and Title, Debtor has filed for protection under Chapter 7 of Title 11 of the United States Code on October 14, 2020.

8. As of October 28, 2020, the outstanding Obligations under the Contract total \$10,905.53.

9. The current value of the Vehicle as of October 28, 2020 according to NADA is \$9,525..00. A true and correct copy of NADA’s valuation is attached hereto as **Exhibit “3”**.

10. Pursuant to the Debtor’s Statement of Intention filed October 14, 2020, the Debtor’s intention is to surrender the Vehicle to Secured Creditor. A true and correct copy of Statement of Intention is attached hereto as **Exhibit “4”**.

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11. As of October 28, 2020, the amount of delinquency owed to Movant was \$1,275.00 with the account due for the June 16, 2020 payment and the last payment having been received on August 21, 2020.

I solemnly affirm under penalty of perjury and upon personal knowledge that the contents of the foregoing affidavit are true. EXECUTED on, 11/5/2020.

Further Affiant sayeth not.

Jennifer Cruise
(name)
Senior Manager
(title)
Carvana, LLC

State of AZ
County of Maricopa

Sworn/affirmed to and subscribed before me on this 6 day of NOV, 2020. Personally known [☒] or produced identification [].
Type of identification produced _____.

Ashley Hall
(Signature of Notary Public)
My commission expires 2.10.23
Notary seal

